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6
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7   (successor by merger to Defendant WACHOVIA
    BANK, N.A.) and Defendant METROPOLITAN
8   WEST SECURITIES LLC

9

10
                    UNITED STATES DISTRICT COURT
11
         NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION
12

13

14   STATE COMPENSATION INSURANCE   CASE NO. CV 09-02959 JSW (EDL)
     FUND,
                                           **STIPULATION AND [~~PROPOSED~~] ORDER
15   Plaintiff,   STAYING CASE PENDING OUTCOME OF
                                           ADR PROCEDURE**
16   vs.

17   METROPOLITAN WEST SECURITIES
     LLC; WACHOVIA BANK, N.A.; DOES
18   1 through 10, inclusive; and DOES 11
     through 20, inclusive,
19
                Defendants.
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     17174976.1   CASE NO. CV 09-2959 JSW (EDL)
     ───
                    STIPULATION AND [~~PROPOSED~~] ORDER STAYING CASE

1   WHEREAS on March 6, 2012, the parties attended a mediation session before Antonio

2 Piazza, Esq. of Mediation Negotiations;

3   WHEREAS as a result of that mediation session, the parties have determined to resolve

4 their disputes through a binding alternative dispute resolution ("ADR") procedure;

5   WHEREAS the in-person sessions of the ADR procedure are expected to commence by

6 June 2012, subject to potential scheduling conflicts that may require different timing;

7   WHEREAS the parties' selection of an ADR procedure, with the assistance of Mr. Piazza,

8 contemplates that they will seek to stay further litigation in this Court pending the outcome of the

9 ADR procedure, and once the ADR procedure is completed, will promptly file a stipulation of

10 dismissal of this lawsuit;

11   WHEREAS the parties commit to advise the Court promptly of any developments that

12 may affect the continued appropriateness of a stay;

13   NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES

14 HERETO AND THEIR COUNSEL OF RECORD THAT this lawsuit is stayed in its entirety

15 until a stipulation of dismissal is filed or until further order of the Court.

16 Date: April 16, 2012   MUNGER, TOLLES & OLSON LLP

17   By: ___/s/ James C. Rutten_____

18   James C. Rutten

19   Attorneys for Defendants WELLS FARGO
                                                   BANK, N.A. (successor by merger to
20   WACHOVIA BANK, N.A.) and
                                                   METROPOLITAN WEST SECURITIES LLC
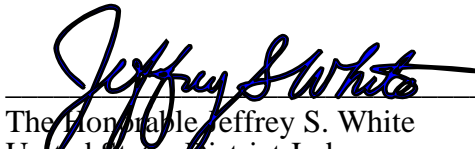
21 Date: April 16, 2012   BARGER & WOLEN LLP

22   By: ___/s/ Travis R. Wall_____
23 The Court HEREBY STRIKES Plaintiff's   Travis R. Wall
     motion for summary judgment without
24 prejudice to re-filing if necessary.   Attorneys for Plaintiff STATE
                                                   COMPENSATION INSURANCE FUND
25
     PURSUANT TO STIPULATION, IT IS SO ORDERED:
26

27 DATED: April 18, 2012   _____
                                                   The Honorable Jeffrey S. White
28   United States District Judge

     17174976.1   1   CASE NO. CV 09-2959 JSW (EDL)

     STIPULATION AND [PROPOSED] ORDER STAYING CASE